

STATE OF INDIANA	)		IN THE DEKALB SUPERIOR COURT
	)	SS:	
COUNTY OF DEKALB	)		CAUSE NO. _____
TAMARAH KUMP,	)		
	)		
Plaintiff,	)		
	)		
v.	)		
	)		
PARAGON STEEL	)		
ENTERPRISES, LLC,	)		
	)		
Defendant.	)		

### COMPLAINT

Plaintiff, by counsel, alleges against the Defendant as follows:

1. The Plaintiff is Tamarah Kump who filed a Charge of Discrimination with EEOC (#470-2020-03378), a copy of which is attached hereto, made a part hereof, and incorporated herein as Exhibit "A". The EEOC issued a Dismissal and Notice of Rights on December 1, 2020 (Exhibit "B"), and this Complaint has been filed within ninety (90) days after receipt thereof.
2. Defendant Paragon Steel Enterprises, LLC is an "employer" for purposes of Title VII of the Civil Rights Act of 1964, U.S.C. § 2000e *et seq.* ("Title VII"). Defendant is a company authorized to do business in the State of Indiana, and does so at 4211 County Road 61, Butler, Indiana 46721.
3. Plaintiff alleges that she was discriminated against, retaliated against, and discharged by Defendant in violation of Title VII for the reasons, and based upon the facts, set forth in Exhibit "A" to this Complaint.
4. Plaintiff alleges that she was sexually harassed and subjected to a hostile work

environment because of her sex. Plaintiff was spoken to in a condescending manner by a male coworker who would also make inappropriate comments that he never made to male employees. Plaintiff complained about the harassment and discrimination and reported it to Todd Lanning on or about May 13, 2020. After reporting the sex harassment and discrimination, Plaintiff was retaliated against by being written up for false and made-up reasons, for which she suffered unwarranted disciplinary actions. These write-ups were false and pretextual and were designed to punish Plaintiff for reporting sexual harassment.

5. Plaintiff was terminated approximately three (3) weeks after reporting the sexual harassment and discrimination.
6. As a direct and proximate result of the discrimination, retaliation and wrongful discharge, Plaintiff suffered the loss of her job and job-related benefits including income. Plaintiff also suffered mental anguish, emotional distress, financial distress, humiliation, inconvenience, and other damages and injuries. Plaintiff seeks compensatory, and due to Defendant's intentional conduct, Plaintiff also seeks punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

**JURY DEMAND**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

**CHRISTOPHER C. MYERS & ASSOCIATES**

/s/ Christopher C. Myers

Christopher C. Myers, #10043-02  
809 South Calhoun Street, Suite 400  
Fort Wayne, IN 46802

Telephone: (260) 424-0600

Facsimile: (260) 424-0712

Email: cmyers@myers-law.com

*Attorney for Plaintiff*

JUL/30/2020/THU 01:06 PM

FAX No.

Opportunity Commission  
Indianapolis District Office

RECEIVED 07/30/2020

EEOC Form 6 (11/09)

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☐ EEOC

470-2020-03378

## Equal Employment Opportunity Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Tamarah Kump

Home Phone (Incl. Area Code)

260-446-6549

Date of Birth

Street Address

City, State and ZIP Code

13013 Elsworth Street, Leo, Indiana 46765

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Paragon Steel Enterprises, LLC

No. Employees, Members

50+

Phone No. (Include Area Code)

260-868-1100

Street Address

City, State and ZIP Code

4211 County Road 61, Butler, Indiana 46721

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

2019

June 4, 2020

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. Complainant Tamarah Kump alleges that she was sexually harassed and subjected to a hostile work environment, and then suffered a retaliatory discharge after reporting sexual harassment, all contrary to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII").
- II. Complainant alleges that she was harassed by Ken Heininger-Bowen because she was a female. Ken would speak in a condescending manner to Complainant and other women on a daily basis. He did not speak to men in the same way he spoke to women. Ken would also make inappropriate comments that he would never make to male employees. Andrea Smith witnessed Ken speaking to same way to other female employees, but most of the time he would wait until he was alone with Complainant (and other women) to say inappropriate things.
- III. Complainant reported the harassment to Todd Lanning on or about May 13, 2020.

Continued on Page 2

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

7/30/20 Tamarah Kump

Date Charging Party Signature

NOTARY When necessary for State and Local Agency Requirements

Notary Public - State of Indiana  
Allen County  
My Commission Expires Dec 20, 2024

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF JULY 2020

(month, day, year)

7-30-2020

JUL/30/2020/THU 01:06 PM

FAX No.

Equal Employment  
Opportunity Commission  
Indianapolis District Office  
RECEIVED 07/30/2020

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

470-2020-03378

- IV. After reporting the gender harassment, Complainant was retaliated against by being written up for false/bogus reasons and suffering unwarranted disciplinary actions. These write ups were false and pretextual and were done to punish Plaintiff for reporting sexual harassment.
- V. Ultimately, after receiving several false and pretextual write ups, Complainant was terminated on or about June 4, 2020. As a result, Complainant suffered lost income, emotional distress, mental anguish, financial distress, embarrassment, humiliation, and other damages and injuries.
- VI. Respondent acted intentionally and in reckless disregard of Complainant's federally protected civil rights under Title VII, warranting an imposition of punitive damages.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

7/30/20  
Date

*[Signature]*  
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

*[Signature]*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*[Signature]*  
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

7-30-2020

LORI KAY KOLB  
Seal

Notary Public - State of Indiana  
Allen County  
My Commission Expires Dec 20, 2024

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Tamarah Kump**  
**13013 Elsworth Street**  
**Leo, Indiana 46765**

From: **Indianapolis District Office**  
**101 West Ohio Street, Suite 1900**  
**Indianapolis, Indiana 46204**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**470-2020-03378**

**Frederick J. BruBaker,**  
**Enforcement Supervisor**

**(463) 999-1148****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

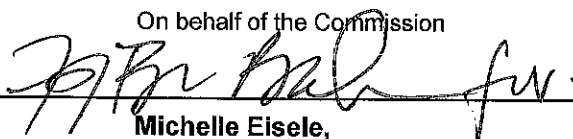
(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

  
**Michelle Eisele,**  
**District Director**

**1 December 2020**

(Date Mailed)

cc:

**Anthony M. Stites**  
**BARRETT MCNAGNY**  
**215 East Berry Street**  
**Fort Wayne, Indiana 46802**

**Christopher C. Myers**  
**CHRISTOPHER C MYERS & ASSOCIATES**  
**809 South Calhoun Street, Suite 400**  
**Fort Wayne, Indiana 46802**